

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
CARLOS E. KEPKE,
Defendant.

Case No. [3:21-cr-00155-JD-1](#)

PROPOSED VOIR DIRE

The Court will ask these voir dire questions for jury selection on November 28, 2022, which are based on the parties' joint proposed questions, Dkt. Nos. 130, 139, and the Court's practice. They are in addition to the standard background questions in the written questionnaire. Any objections or concerns about the voir dire questions may be raised on November 28, 2022, at the start of jury selection.

IT IS SO ORDERED.

Dated: November 22, 2022



JAMES DONATO
United States District Judge

VOIR DIRE QUESTIONS

1. Counsel for the government will introduce themselves. Do you know any of them?
2. Counsel for the defendant will introduce themselves and their client. Do you know any of them?
3. A Special Agent with the Internal Revenue Service, _____, is seated at the government's table. Do you know the Special Agent?
4. Do you know anyone who works for the Federal Bureau of Investigation?
5. I'm going to read a list of some of the witnesses who may appear to testify. Do you know any of them?
6. Have you or anyone close to you ever worked in any way in the criminal justice system?
7. Do you have any training, education, or experience in the field of criminal law?
8. Do you have any strong positive or negative opinions about tax professionals?
9. Do you or anyone close to you have an ownership interest in any offshore or foreign financial accounts?
10. As a juror, your duty is to apply the law as I instruct you, regardless of whether you agree or disagree with it. Do you have any reservations or concerns about that?
11. In this case, the law requires proof beyond a reasonable doubt. Do you believe that the government should be held to a lower or higher standard than proof beyond a reasonable doubt?
12. The defendant is innocent until and unless the government proves him guilty beyond a reasonable doubt. Do you have any difficulty presuming the defendant to be innocent at this time? Do you think that the defendant must have done something wrong to be here today?
13. A defendant has a constitutional right not to testify at trial, and if he chooses not to testify, that cannot be held against him in any way. If the defendant here chooses not to testify, would that prevent you from returning a verdict of not guilty?

- 1 14. A defendant also is not required to present any evidence or call any witnesses in his
- 2 defense. If the defendant here chooses not to present a defense, would that prevent you
- 3 from returning a verdict of not guilty?
- 4 15. If after hearing all the evidence, you thought that the defendant was probably guilty but
- 5 you were not convinced beyond a reasonable doubt, would you have trouble returning a
- 6 verdict of not guilty?
- 7 16. If you find that a person is guilty beyond a reasonable doubt of a criminal offense, it is
- 8 my duty as the judge to determine punishment. The law does not permit you to consider
- 9 the issue of punishment or an appropriate sentence in reaching a verdict or for any other
- 10 reason. Do you have any reservations or concerns about that?
- 11 17. As a juror, you are not to consider prejudice, pity, or sympathy in deciding whether a
- 12 defendant is guilty or not guilty. Do you have any reservations or concerns about that?
- 13 18. Do you believe that you cannot sit in judgment of another person for any reason?
- 14 19. Have you read or heard anything about this case other than what you've heard here
- 15 today?
- 16 20. Do you have any difficulty understanding or reading the English language?
- 17 21. Is there anything I have not asked you about that you believe could affect your ability to
- 18 serve as a fair and impartial juror for the duration of this trial?